

REMARKS

Favorable reconsideration of this application is respectfully requested in light of the following remarks, wherein Claims 16, 19 and 20 have been amended, and Claim 17 has been cancelled from the application. Currently, Claims 1-16 and 18-32 are pending in the application.

Currently, Claim 1-15, 22 and 31 have been allowed, and Claims 17-21 and 23 stand objected to, but would be allowed if rewritten in independent form including all of the limitations of the base claim and any intervening claims. As a result, independent Claim 16 has been amended to include the subject matter of allowable Claim 17. Accordingly, it is submitted that independent Claim 16, and the claims depending therefrom, are allowable over the art of record.

However, Claim 30 stands objected to under 35 USC §102(b) as being anticipated by DE 4244316 in view of U.S. Patent No. 5,931,613 to *Larsson*. In addition, Claim 32 stands rejected under 35 USC §103(a) as being anticipated by U.S. Patent No. 5,536,119 to *Werner et al.* in view of U.S. Patent No. 6,146,060 to *Rydberg et al.*

Claim 30 recites a cutting insert including first and second spaced apart convexly arched-shaped cutting edges with a bottom side including stabilizing structure arranged for preventing angular displacement of the insert about an axis of a hole. The stabilizing structure includes, among other features, a pair of first countersinks disposed on opposite sides of the first section of the first recess and disposed adjacent the first and second cutting edges respectively, each first countersink having a width which increases in a direction toward the respective cutting edge. The stabilizing structure also includes a pair of second countersinks disposed on opposite sides of the second section of the first recess and disposed adjacent the first and second cutting edges, respectively, the second countersink being smaller

than the first countersinks, each second countersink having a width which increases in a direction toward the respective cutting edge.

The Examiner concedes that DE 4244316 fails to teach the bottom side of the insert having a stabilizing structure for preventing angular displacement of the insert about an axis of the hole. The Examiner seeks to rely on *Larsson* for disclosing this specific feature of the stabilizing structure. However, *Larsson* fails to disclose a pair of first and second countersinks, where the second countersinks are smaller than the first countersinks. As shown in Figure 9 of *Larsson*, the insert appears to be completely symmetrical, i.e., the alleged countersinks are equal in size. As such, *Larsson* fails to make up for the foregoing deficiencies of DE 4244316. Accordingly, neither DE 4244316 nor *Larsson*, in combination or alone, disclose the patentable features of independent Claim 30.

Independent Claim 32 recites a cutting insert comprising a top side, a bottom side and a peripheral clearance surface extending between the top and bottom sides. A hole extends from the top side to the bottom side for receiving a fastener. The top side has first and second spaced apart convexly arched-shaped cutting edges. The bottom side includes a stabilizing structure arranged for preventing angular displacement of the insert about an axis of the hole. The first and second cutting edges are spaced apart by a front edge and converge toward one another in a direction away from the front edge. The front edge is linear and intersects the first and second cutting edges tangentially thereto.

The Examiner seeks to rely on the combination of *Werner et al.* and *Rydberg et al.* for disclosing the features of independent Claim 32. *Werner et al.* discloses a rounded cutting insert which is designed to be mounted in a cutting insert pocket which includes two side support surfaces 21A, 21B. These side support surfaces are intended as stabilizing surfaces against which the cutting insert abuts for preventing angular rotation. As noted in column 4,

lines 14-35, a stabilizing abutting pressure is obtained between the cutting insert and the side support surface when a locking screw 16 is tightened.

The Examiner concedes that *Werner et al.* fails to teach the stabilizing structure. The Examiner seeks to rely on the disclosure in *Rydberg et al.* for disclosing this feature. *Rydberg et al.* discloses a tool coupling for coupling two tool parts together. However, *Rydberg et al.* does not pertain to a holder that includes side abutment surfaces for positioning the insert within the pocket, as disclosed in *Werner et al.* Therefore, one having ordinary skill in the art would not include the stabilizing structure of *Rydberg et al.* in the cutting insert of *Werner et al.*, because the cutting insert in *Werner et al.* is designed to operate with a tool holder having complementary abutment surface for positioning the insert therein. In addition, a screw 16 is provided for further preventing rotation within the pocket of the holder. As such, one would not look to the disclosure of *Rydberg et al.* for stabilizing structure provided at the bottom surface, because the insert *Werner et al.* includes complementary structure for preventing angular displacement within the holder. Accordingly, *Werner et al.* is not properly combinable with *Rydberg et al.* Therefore, it is submitted that independent Claim 32 is allowable over the art of record.

For at least the foregoing reasons, it is submitted that the insert and tool of independent Claims 1, 16 and 30-32, and the claims depending therefrom, are patentably distinguishable over the applied documents. Accordingly, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

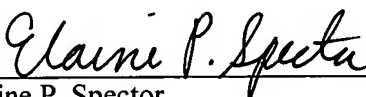
Should any questions arise in connection with this application, or should the Examiner believe a telephone conference would be helpful in resolving any remaining issues pertaining to this application, the undersigned respectfully requests that she should be contacted at the number indicated below.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0573. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully Submitted,

Date: January 23, 2006
DRINKER BIDDLE & REATH LLP
Customer No. 55694
1500 K Street, N.W., Suite 1100
Washington, D.C. 20005-1209
Tel. No.: 202-842-8800
EPS:mk

By:


Elaine P. Spector
Reg. No. 40,116
Attorney for Applicants
Tel. No.: (202) 842-8863
Fax No.: (202) 842-8465